

SUPERIOR COURT OF THE STATE OF WASHINGTON, COUNTY OF COWLITZ

Building Industry Association of Clark County, et al. v. Clark County, No. 02-2-01116-1

**ATTENTION: IMPORTANT NOTICE OF CLASS ACTION SETTLEMENT
AND FAIRNESS HEARING**

**TO: ALL PERSONS OR ENTITIES WHO PAID FEES TO CLARK COUNTY
FOR BUILDING PERMITS FROM JULY 10, 1999 TO PRESENT**

YOU ARE NOTIFIED that a hearing regarding a proposed settlement of this class action will be held on December 15, at 3:00 p.m. before the Honorable James E. Warne at the Cowlitz County Superior Court located at Hall of Justice, 312 SW 1st Avenue, Kelso, Washington. The hearing will be held to determine whether the proposed settlement is fair, reasonable and adequate. If you are a member of the plaintiff class, you should read this notice carefully because it will affect your rights.

BACKGROUND OF CASE: This case was filed on July 9, 2002, on behalf of individuals, businesses and entities which paid building permit fees to Clark County from the period of July 10, 1999 to the present. The complaint alleged that the County was charging excessive building permit fees because state law only allowed fees for the cost of reviewing permit applications, conducting inspections, and preparing documents under the State Environmental Policy Act.

SUMMARY OF LITIGATION: After discovery and other prior motions, the plaintiff class representatives filed a motion for partial summary judgment asking the Court to rule that the County may not utilize building permit fee to cover the costs of code enforcement in the County. The Court granted that motion, but did not order a specific amount to be refunded to the class. The class representatives and the County have now reached a settlement providing a refund to class members.

PROPOSED SETTLEMENT: The settlement is a compromise of disputed claims and is not an admission of fault, liability or wrongdoing of any party. A full copy of the settlement may be examined during regular office hours in the office of the Clerk of this Court filed as Proposed Settlement. The monetary aspect of the settlement is payment by the County to the Class of \$1,187,545. From this amount, attorneys' fees of 25% (\$296,886) and litigation expenses would be deducted. Each class member who paid a building permit fee during the years 2002 through 2007 will be entitled to receive a pro rata refund.

To Receive a Refund: If you approve of the settlement and wish to participate in recovery, you will need to make a claim at the website to be established for doing so. Notice of the website procedures will be advertised and made available for three months for class members to make their respective claims.

To Object to the Settlement: Any class member who objects to the proposed settlement may appear personally or through counsel at the hearing and object to the approval of either. In order to be heard or to have papers or briefs considered by the court, any objecting class member must file a notice of intention to appear along with any papers for the court to consider and must serve the counsel listed below by 5:00 p.m. December 12, 2008. **IF YOU DO NOT OPPOSE THE PROPOSED SETTLEMENT YOU NEED NOT APPEAR AT THE HEARING OR FILE ANY PAPERS.** All objections should be sent to the court clerk at: Clerk of Court, Cowlitz County Superior Court, Hall of Justice, 312 SW 1st Avenue, Kelso, Washington, 98626 Copies of all documents filed with the clerk of the court must be sent to the following counsel: **Attorneys for the Class:** John M. Groen, Groen Stephens & Klinge LLP, 11100 NE 8th Street, Suite 750, Bellevue,

Washington 98004. **Attorneys for the County:** E. Bronson Potter, Clark County
Prosecuting Attorney's Office, P.O. 5000, Vancouver, Wa. 98666-5000.

The pleadings and all other records of this litigation may be examined and copied
any time during regular office hours in the offices of the Clerk of the Superior Court at
the above listed address. DO NOT CALL OR WRITE TO THE COURT OR THE
CLERK OF THE COURT. ADDRESS ALL INQUIRIES IN WRITING TO THE
ATTORNEYS FOR THE CLASS AT THE ADDRESS SET FORTH ABOVE.

Dated: November 10th, 2008 BY ORDER OF THE SUPERIOR COURT OF THE
STATE OF WASHINGTON FOR COWLITZ COUNTY, THE HONORABLE JAMES
E. WARME.